

04-17-02

CPA/1600

Please type a plus sign (+) inside this box → ☐PTO/SB/29 (12/97) (modified)
Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**Submit an original, and a duplicate for fee processing.
(Only for continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ **DUPLICATE**

ADDRESS TO:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No. 350292000500

First Named Inventor Kouji MATSUSHIMA

Express Mail Label No. EL 796955329 US

Total Pages 25

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4/23/02This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA) of prior application number 09/202,791filed on 22 December 1998, entitled THERAPEUTIC AGENT FOR ACUTE LUNG INJURY RESULTING FROM INDIRECT
CAUSES COMPRISING ANTI-IL-8 ANTIBODY AS ACTIVE INGREDIENT.**NOTES****FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either:
(1) complete as defined by 37 CFR 1.51(b), 1995, or (2) the national stage of an international application in compliance with
35 U.S.C. 371.**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be
filed under CFR 37 1.53(b).**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior
application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or
continuation-in-part of an application that is not to be abandoned.**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the
applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR
1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or
similar information concerning, the other application or applications in the file jacket.**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the
specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be
entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the
application number identified in such request, 37 CFR 1.78(a).1. ☐ Enter the unentered amendment previously filed on * under 37 CFR 1.116 in the prior nonprovisional application.2. ☒ A preliminary amendment is enclosed.3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:.....
.....b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.5. ☒ Information Disclosure Statement (IDS) is enclosed: 04/18/2002 HDEHES1 00000067 031952 09202791a. ☒ PTO-1449

01 FC:131 740.00 CH

b. ☒ Copies of IDS Citations

02 FC:102 84.00 CH

03 FC:103 514.00 CH

04 FC:104 256.00 CH

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	43-20 =	23	X \$18.00 =	\$ 414.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	4-3 =	1	X \$84.00 =	\$ 84.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$280.00 =	\$280.00
				BASIC FEE (37 CFR 1.16(a))	\$740.00
				Total of above Calculations =	\$1518.00
				Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).	\$
				TOTAL =	\$1518.00

6. Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 03-1952 (reference docket no. 350292000500):

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.

8. ☐ A check in the amount of \$_____ is enclosed.

9. ☐ Other: _____

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

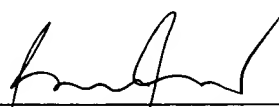
10. NEW CORRESPONDENCE ADDRESS

Bruce D. Grant
Registration No. 47,608

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-7962
Facsimile: (858) 720-5125

Dated: April 15, 2002

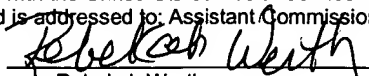
Respectfully submitted,

By: 
Bruce D. Grant

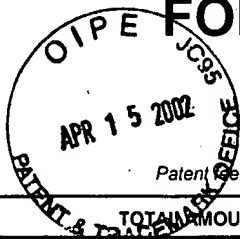
CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL 796955329 US Date of Deposit: April 15, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


Rebekah Werth

FEE TRANSMITTAL FOR FY 2002



Patent fees are subject to annual revision.

C m pl te if Known

Application Number	09/202,791
Filing Date	22 December 1998
First Named Inventor	Kouji MATSUSHIMA
Examiner Name	D. Ware
Group Art Unit	1651
Attorney Docket No.	35029200500

TOTAL AMOUNT OF PAYMENT

(\$ 3,478.00

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **03-1952, referencing 35029200500**

Deposit Account Name **Morrison & Foerster LLP**

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 740

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
43	-20 =	23 x 18 =	\$ 414
Independent Claims	-3** =	x	\$ 84
Multiple Dependent			\$ 280

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 778

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for ex parte reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	400	216	200	Extension for reply within second month
117	920	217	460	Extension for reply within third month
118	1,440	218	720	Extension for reply within fourth month
128	1,960	228	980	Extension for reply within fifth month
119	320	219	160	Notice of Appeal
120	320	220	160	Filing a brief in support of an appeal
121	280	221	140	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive - unavoidable
141	1,280	241	640	Petition to revive - unintentional
142	1,280	242	640	Utility issue fee (or reissue)
143	460	243	230	Design issue fee
144	620	244	310	Plant issue fee
122	130	122	130	Petitions of the Commissioner
123	50	123	50	Petitions related to provisional applications
126	180	126	180	Submission of Information Disclosure Stmt
581	40	581	40	Recording each patent assignment per properties (times number of properties)
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))
179	740	279	370	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 1960

SUBMITTED BY

Name (Print/Type)

Bruce D. Grant

Registration No.
(Attorney/Agent)

47,608

Complete (if applicable)

Telephone

(858) 720-7962

Signature

Date

April 15, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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